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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

12 MAR 1993

IN REPLY REFER TO:

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Honorable Dan Glickman
House of Representatives
2311 Rayburn House Office Building
Washington, DC 20515

Dear Congressman Glickman:

Thank you for your letter on behalf of Ernest Barker, General Manager, Butler Rural Electric Cooperative Association, Inc., El Dorado, Kansas, regarding implementation of the programming access provisions in the Cable Television Consumer Protection and Competition Act of 1992.

The 1992 Cable Act prohibits unfair or discriminatory practices in the sale of programming in order to foster the development of competition to cable systems by increasing access to programming by other multichannel video programming distributors. In the 1992 Cable Act, Congress instructed the Commission to adopt implementing regulations pertaining to program access. In accordance with the statute, the Commission invited comment on provisions that will govern access to multichannel video programming (Notice of Proposed Rulemaking in MM Docket No. 92-265, released December 24, 1992). In particular, we sought comment on proposed regulations to prohibit: (1) undue influence by cable operators upon actions by affiliated program vendors, (2) price discrimination by vertically integrated satellite cable programming vendors and satellite broadcast programming vendors, and (3) certain exclusive contracting practices that the Commission finds not to be in the public interest. We also recognized testimony in the legislative history of the 1992 Cable Act that caused Congress to conclude that vertically integrated program suppliers have the incentive and ability to favor their affiliated cable operators over other multichannel programming distributors. In addition, we also indicated that the Commission previously found anecdotal evidence that some vertically integrated programming suppliers and cable operators may have indeed used anticompetitive actions against other programming services and competing multichannel providers.

Your constituent's comments will be placed in the official record of MM Docket 92-265, so that they will receive full consideration prior to any action the Commission takes to implement the provisions of the 1992 Cable Act.

Sincerely,

Roy J. Stewart

Roy J. Stewart
Chief, Mass Media Bureau

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Congressional

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/26/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300868	02/26/93	02/22/93	03/18/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Congressman	Dan Glickman	BC

CONSTITUENT'S NAME	SUBJECT
Ernest Barker	inq. re: rate regulation & 92 Cable Act

REF TO	REF TO	REF TO	REF TO
MMB	<i>Erf</i>	<i>CAT</i>	<i>mmB</i>
DATE	DATE	DATE	DATE
02/26/93	<i>2-26-93</i>	<i>3-1</i>	

REMARKS:

OFFICE OF CHIEF

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MASS MEDIA BUREAU

DAN GLICKMAN
FOURTH DISTRICT—KANSAS

ASSISTANT MAJORITY WHIP



Handwritten signature

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FEB 16 1993



**Butler Rural Electric
Cooperative Assn., Inc.**

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El Dorado, KS 67042
(316) 321-9600

The Honorable Dan Glickman
401 N. Market
Room 134
Wichita, KS 67201

Dear Congressman Glickman:

I am writing you to express my concern about the Federal Communications Commission's Notice of Proposed Rule Making (NPRM) that was released on December 24, specifically as it pertains to the Section 19 programming access provisions of the recently-passed cable bill.

I am the General Manager of Butler Rural Electric Cooperative, a consumer-owned, not-for-profit rural utility that provides electric service to 4,698 consumers in rural area of South-Central Kansas directly east of Wichita. In our part of Kansas, there are many consumers for whom cable service is unavailable due to their remoteness. The only way these consumers can receive television is by using a home satellite dish. Until now, these home satellite dish owners have been paying discriminatorily high rates for much of the programming they receive over their dish. The cost for this programming to home satellite dish distributors is on average five times more than what cable operators pay for it- a difference in price that is completely unjustifiable.

My utility, along with hundreds of utilities like it around the country, worked long and hard to secure the inclusion of the cable bill's Section 19 programming access provisions in order to protect our consumers from the cable industry's price-gouging. When the bill passed, we were understandably pleased and hopeful that the discrimination would stop.

This is why we are concerned by the tone of the FCC's NPRM on the subject. The FCC seems to have had some difficulty understanding Congress' intentions regarding the cable bill. The duty you charged the FCC with is simple: to issue rules that will encourage competition in the video marketplace by bringing an end to the already-existing monopolistic pricing practices of many cable-owned programmers. Despite the clear mandate, the FCC issued an NPRM that doesn't even admit that price discrimination exists.

The Honorable Dan Glickman
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By writing this letter, I hope to impress upon you the reality of